

AN ORDINANCE AMENDING PORTIONS OF TITLE 17  
OF THE LAS ANIMAS MUNICIPAL CODE

WHEREAS, the City of Las Animas has determined that portions of the Municipal Code should be amended to reflect current conditions;

BE IT THEREFORE ORDAINED AS FOLLOWS:

**SECTION A.** That Section 17-1, 17-3, 17-13, and 17-15 are repealed in their entirety.

**SECTION B.** That a new Section 17.1 is enacted as follows:

**17.1. Definitions.** The following words and phrases, except where the context clearly indicates a different meaning, shall mean:

- (1) **Ashes** includes the solid waste products of coal, wood or other fuels used for heating and cooking from all public and private establishments and from all residences.
- (2) **Collector** means a person, firm, partnership or corporation hired or franchised by the City for the purpose of collecting garbage within the City.
- (3) **Containers** mean all garbage and refuse shall be placed in containers or bins meeting the following specifications:
  - a. Throw-away bags made of plastic or specially treated paper may be used as garbage containers if contents do not exceed the design limits.
  - b. Bins shall be of a standard metal construction authorized by the City as capable of pickup by the garbage truck. Bins may be of one, one-and-one-half and two-yard capacity.
  - c. Containers that have deteriorated so as to cause injury to garbage collectors or so as to result in loose fitting lids will be condemned by the Director of Public Works.
- (4) **Dwelling unit** means one or more rooms designed for occupancy by one family and not having more than one cooking facility. For the purposes of this Chapter, a trailer house is a dwelling unit and a residence is a dwelling or structure building for dwelling purposes.
- (5) **Garbage** includes all putrescible wastes, except sewage and body wastes, including vegetable wastes, animal offal and carcasses of dead animals and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits and vegetables, except coffee grounds, but not including recognized industrial byproducts,

and shall include all such substances from all public and private establishments and residences.

- (6) **Person** means any natural person, firm, partnership, association, institution or corporation. The term also means the occupant or owner of the premises for which service mentioned in this Chapter is rendered.
- (7) **Refuse** includes garbage, rubbish, ashes and all other putrescible and non-putrescible wastes, except sewage, from all public and private establishments and residents.
- (8) **Rubbish** includes all non-putrescible wastes, except ashes, from all public and private establishments and residences.

**SECTION C.** That a new Section 17-1(1) is enacted as follows:

**17-1.1. Compliance Required.** All garbage and refuse, defined herein, in the corporate limits of the City, shall be kept, accumulated and disposed of in accordance with the provisions of this Chapter.

**SECTION D.** That a new Section 17-3 is enacted as follows:

**17-3. Depositing Upon Public Places, Etc., Prohibited.**

It shall be unlawful for any person having garbage or refuse in the City to throw and deposit the same, or cause the same to be thrown or deposited, upon any street, alley, park or other public place or to throw or deposit the same upon any vacant lot or back yard, or to store or keep the same otherwise than in containers, dumpsters or receptacles as required by this chapter.

**SECTION E.** That a new Section 17-13 is enacted as follows:

**17-13. Disturbing Containers or Contents Prohibited.** No person shall molest, remove, handle or otherwise disturb the garbage and refuse containers or contents which have been placed for servicing by the garbage collector, except the owner, occupant, lessor or tenant of the residence, dwelling or building, or their employees and agents. It will be the responsibility of every owner, occupant, lessor or tenant of any resident, dwelling or building, to provide for appropriate trash collection, which may include any of the following:

- a. Contracting with the City of Las Animas for trash removal;
- b. Providing for hauling of the same to a properly designated facility for trash collection;

**SECTION F.** That a new Section 17-13.1 is enacted as follows:

**17-13.1 Base Rate.** Any person, corporation or entity holding an account of utility services for either sewer, water, or electricity from the City of Las Animas shall be responsible to the City for payment to the City for collection of trash removal services, even

if said account holder does not make use of the actual physical trash removal by the City of Las Animas. All account holders of utility services through the City of Las Animas shall be assessed a minimum trash removal collection charge on a monthly basis in conjunction with ~~that~~ other utility charges.

**SECTION G.** That a new Section 17-13.2 is enacted as follows:

**17-13.2 Using Containers or Dumpsters Belonging to Others.** No person shall deposit such items of garbage or refuse or other materials within the containers or dumpsters of third parties, without the prior consent of the owner, occupant, lessor or tenant of the residence, dwelling or building, or their employees and agents of the containers and/or dumpsters. Any person found to be making unauthorized use of the containers, collection points, or dumpsters of third parties, shall be subject to the penalties and provisions of Section 17-17.1 below.

**SECTION H.** That a new Section 17-15 is enacted as follows:

**17-15. Collection By Private Party.** No person (except the employees of the City or persons under contract with it for such purpose) shall collect for hire any garbage or refuse within the City or shall convey any garbage through any street, lane, road, alley or public highway of the City, unless such person shall first have obtained a written permit from the City Director of Public Works for such collection, removal and conveyance.

**SECTION I.** That a new Section 17-15.1 is enacted as follows:

**17-15.1. Salvage.** No person shall be permitted to salvage any items that are deposited within the dumping area of the City Landfill.

**SECTION J.** That a new Section 17-17.1 is enacted as follows:

**17-17.1. Penalty.** Any person violating the provisions of Section 17-1 through Section 17-17 inclusive of this code shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding three hundred dollars or by imprisonment in jail not exceeding ninety days, or by both such fine and imprisonment. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

**SECTION K.** That a new Section 17-17.2 is enacted as follows:

**17-17.2. Collection Fees.** The fees on file in the office of the City Clerk fix as the charges for removal and hauling of garbage and refuse in the City. The fees set forth may be changed from time to time by resolution regularly adopted by the City Council. The collection fees set forth shall be billed monthly in advance, from and after February 28, 1973, as part of the utility bill for each month. Should garbage or refuse collection bills become

delinquent, utility service shall be discontinued at the discretion of the Director of Public Works, and the amount of such charges shall be a lien against the property for which such collection service was rendered in accordance with the law.


**SECTION L.** That a new Section 17-17.3 is enacted as follows:

**17-17.3. Tipping Fees.** The City Council, by resolution, from time to time, shall institute and incorporate tipping fees to be used by private users of the City Land Fill, of which said tipping fees may be allocated based upon type of material, quantity of material, time of disposal and other factors as the City Council may deem appropriate.

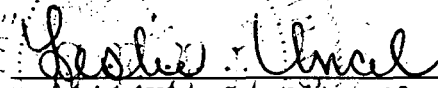
PASSED on first reading this 13th day of September, 1995.

ADOPTED and APPROVED this 10<sup>th</sup> day of October, 1995.

CITY OF LAS ANIMAS

  
By: Keith Varner, Mayor

ATTEST:

  
Leslie Uncei, City Clerk

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COLORADO